

JAN 20 2012

S.B. NO. 2186

A BILL FOR AN ACT

RELATING TO TEMPORARY DETENTION BY A LAW ENFORCEMENT OFFICER.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 710, Part II, Hawaii Revised Statutes,
2 is amended by adding a new section to be appropriately
3 designated and to read as follows:

4 "§710- Temporary detention by law enforcement officer;
5 refusing to identify self. (1) A person commits the offense of
6 refusing to identify self if the person knowingly or
7 intentionally refuses to provide their true full name, address,
8 and identification if available to a law enforcement officer who
9 has stopped the person pursuant to subsection (2).

10 (2) A law enforcement officer may stop a person when the
11 law enforcement officer has reasonable suspicion that the person
12 is in the process of committing, has committed, or is about to
13 commit a crime. The stopping shall not constitute an arrest.

14 (a) A person stopped under this section shall state the
15 person's true full name, address, and identification
16 if available but shall not be compelled to answer any
17 other inquiry of a law enforcement officer.



(b) A person stopped under this section may be detained for a reasonable time, not to exceed sixty minutes.

(c) The detention must not extend beyond the immediate vicinity of the place where the detention was first effected, unless the person is placed under arrest.

(3) If a law enforcement officer has reasonable suspicion that the person whom the law enforcement officer has detained or is about to detain is armed with a weapon and is a threat to the safety of the law enforcement officer, another person, or oneself, the law enforcement officer may conduct a pat-down search of that person for weapons.

(4) Refusing to identify self is a petty misdemeanor."

SECTION 2. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 3. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY: Nichelle Lujan (BR)



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Report Title:

Law Enforcement; Identification; Detention

Description:

Authorizes a law enforcement officer to stop a person when the law enforcement officer has reasonable suspicion that the person is in the process of committing, has committed, or is about to commit a crime. Requires a person to provide their true full name, address, and identification if available to a law enforcement officer. Establishes the petty misdemeanor offense of refusing to identify self.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

